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KUPSTAS,T	
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DATE MAILED: 02/20/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/021,466	Oehrke et al
Examiner	**Group Art Unit**
Tod Kupstas	2153

☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-78* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-78* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- *SEE OFFICE ACTION ON THE FOLLOWING PAGES* ---

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 2 states that the first and second processors comprise memory devices, however processors are distinct from memory devices and therefore cannot comprise them.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-3, 10-15, 19-27, 31-34, 36-39, 42-44, 46-60, 63-70, 73, 74, 75, 77, 78 are rejected under 35 U.S.C. 102(e) as being anticipated by Sonnier et al (US 5,751,955).

As set forth in claim 1, Sonnier et al disclose a system for providing network processing and stored data access, the system comprising: (a) at least first and second application processors, each of the first and second processors applying substantially the same application; (b) a switch operatively connected to at least the first and second processors; (c) a data storage device operatively connected to the switch; (d) wherein data stored in the data storage device is associated with the application; and (e) wherein at least the first and second processors operate at substantially the same time; see col .3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, and see fig. 2.

As set forth in claim 2, Sonnier et al disclose a system wherein the first and second processors comprise memory devices (this claim will be interpreted as meaning connected to the memory and be rejected based on figure 2).

As set forth in claim 3, Sonnier et al disclose a system wherein the application is associated with a plurality of users (multiple applications can be utilized some of which would be associated with a plurality of users).

As set forth in claim 10, Sonnier et al disclose a system wherein the switch comprises a switch with at least first and second interfaces for each of said application processors and the data storage device, the switch operatively connected between the application processors and the data storage device (see figs. 2 and 19A, elements 16 and 14, and element 500).

As set forth in claim 11, Sonnier et al disclose a system wherein the data storage device comprises at least first and second mirrored data storage devices (the duplex mode).

As set forth in claim 12, Sonnier et al disclose a system wherein the first and second mirrored data storage devices comprise storage devices with substantially the same data in at least a portion of data in each storage device; see col. 7, lines 18-46, and col. 6, lines 31-56.

As set forth in claim 13, Sonnier et al disclose a system wherein the first and second mirrored data storage servers comprise storage devices associated with a plurality of applications; see col. 7, lines 18-46, and col. 6, lines 31-56.

As set forth in claim 14, Sonnier et al disclose a system wherein the first and second data storage servers are each associated with a plurality of users; see col. 7, lines 18-46, and col. 6, lines 31-56, and col. 4, lines 7-17 (the contemplated uses for the system).

As set forth in claim 15, Sonnier et al disclose a system wherein each of the first and second data storage devices comprise a hard disk and a processor; col. 4, liens 51-58.

As set forth in claim 19, Sonnier et al disclose a system for providing network processing and stored data access, the system comprising: (a) at least first and second sets of front end processors, each of the sets comprising at least two front end processors applying substantially the same application; (b) at least first and second switches, each switch operatively connected to each of the front end processors in each of the sets; (c) at least two data storage device operatively connected to each of the first and second switches; (d) wherein data stored in the data storage devices is associated with the application of at least one set of front end processors; and (e)

wherein at least two front end processors of at least one set operates at substantially the same time; see col .3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, and see fig. 2.

As set forth in claim 20, Sonnier et al disclose a system wherein the application for each set of front end processors comprises an application selected from the group of: a mail application, a news application, a directory application, a content application, a groupware application, and an Internet protocol (IP) service; see col. 4, liens 7-17.

As set forth in claim 21, Sonnier et al disclose a system wherein the application for each set of front end processors is associated with a plurality of users; see col .3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, and see fig. 2.

As set forth in claim 22, Sonnier et al disclose a system wherein each of the operative connections from each of the front end processors to each switch and each of the operative connections from each of the data storage servers to each switch comprises a duplicative operative connection; see fig. 2, col. 53, lines 46-col. 54, line 8, and col. 6, lines 56-61.

As set forth in claim 23, Sonnier et al disclose a system wherein each duplicative operative connection comprises a first and second interface (fig. 2).

As set forth in claim 24, Sonnier et al disclose a system wherein the first and second data storage servers comprise storage devices with substantially the same data in portions of a total data; see fig. 2, col. 53, lines 46-col. 54, line 8, and col. 6, lines 56-61.

As set forth in claim 25, Sonnier et al disclose a system wherein the first and second data storage servers comprise storage devices associated with a plurality of applications; see fig. 2, col. 53, lines 46-col. 54, line 8, and col. 6, lines 56-61.

As set forth in claim 26, Sonnier et al disclose a system wherein the first and second data storage servers are each associated with a plurality of users; see fig. 2, col. 53, lines 46-col. 54, line 8, and col. 6, lines 56-61.

As set forth in claim 27, Sonnier et al disclose a system wherein each of the first and second data storage servers comprise a hard disk and a processor; see col. 4, lines 51-58.

As set forth in claim 31, Sonnier et al disclose a method for providing network processing and stored data access, the method comprising the steps of: (a) applying an application on each of at least first and second application processors at substantially the same time; (b) inputting a plurality of data requests associated with the application, a first and second data request input into the first and second application processors, respectively; (c) generating in response to the first and second data request first and second queries, respectively, with the first and second application processors, respectively; and (d) switching the first and second queries to a data storage device operatively connected to each of the first and second application processors; see col .3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, and see fig. 2.

As set forth in claim 32, Sonnier et al disclose a method further comprising the step (e) of providing a response to the first and second queries data from the data storage device to the first

and second application processors, respectively; see col .3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, and see fig. 2 (there is also a routing algorithm).

As set forth in claim 33, Sonnier et al disclose a method wherein the step (a) comprises applying an application selected from the group of: a mail application, a news application, a directory application, a content application, a groupware application, and an Internet protocol (IP) service; see col. 4, lines 7-17.

As set forth in claim 34, Sonnier et al disclose a method wherein the step (d) comprises switching the query to one of at least two mirrored data storage devices, the at least two mirrored data storage devices containing, at least in part, substantially identical data; see fig. 2, col. 6, lines 56-61, col. 53, line 46-col. 54, line 8.

As set forth in claim 36, Sonnier et al disclose a method further comprising the step (e) of adding data to the at least two mirrored data storage devices, the data corresponding to customer data; see fig. 2, col. 6, lines 56-61, col. 53, line 46-col. 54, line 8.

As set forth in claim 37, Sonnier et al disclose a method further comprising the step (e) of synchronizing the at least two mirrored data storage devices in response to a failed data storage device comprising one of the at least two data storage devices becoming operational; see fig. 2, col. 6, lines 56-61, col. 53, line 46-col. 54, line 8.

As set forth in claim 38, Sonnier et al disclose a system for providing network processing and stored data access, the system comprising: (a) at least a first application processor applying an application; (b) a switch operatively connected to the first application processor; (c) at least first,

second and third data storage servers operatively connected to the switch; (d) wherein the first, second and third data storage servers provide output data at substantially a same time to the first application processor; and (e) wherein data stored on the first data storage server is mirrored in part on the second data storage server and in part on the third data storage server; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 39, Sonnier et al disclose a system wherein: the application processor generates a plurality of queries for stored data in response a plurality of requests from at least one user; at least one of said plurality of queries is switched to the first data storage server; at least another of said plurality of queries is switched to the second data storage server; and the output data is provided in response to the queries; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, and see fig. 2.

As set forth in claim 42, Sonnier et al disclose a system wherein the data stored on the first data storage server comprises first application processor configuration data; see col .3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, and see fig. 2.

As set forth in claim 43, Sonnier et al disclose a system wherein the first, second and third data storage servers operatively connect to a hub, the hub operatively connected to the switch (fig. 2 and figs. 19A).

As set forth in claim 44, Sonnier et al disclose a method for providing network processing and stored data access, the method comprising the steps of: (a) receiving at least first, second and

third user requests at a first application processor; (b) applying an application in response to each of the first, second and third requests with the first application processor; (c) generating first, second and third queries for stored data in response to applying the application to the first, second and third requests, respectively; (d) switching the first, second and third queries to at least a first, second and third source of stored data, respectively, the first, second and third sources comprising mirrored data; (e) mirroring data stored in the first source in part in the second source and in part in the third source; and (f) providing first, second, and third queries, respectively, from the first, second and third sources, respectively to the application processor; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2..

As set forth in claim 46, Sonnier et al disclose a method further comprising step (g) of storing application processor configuration data on at least one of the first, second and third sources of stored data; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 47, Sonnier et al disclose a method further comprising step (g) of providing operation signals from each of the first, second and third sources of stored data to a switch and a hub; see fig. 2 and 19a.

As set forth in claim 48, Sonnier et al disclose a system for providing network processing and stored data access, the system comprising: (a) at least first and second application processors applying an application; (b) a load balancer operatively connected to the first and second

application processors; (c) a switch operatively connected to the first and second application processors; (d) at least first and second sources of stored data operatively connected to the switch the first and second source comprising mirrored data; and (e) wherein the first and second source of stored data provide output data at substantially a same time to the first application processor for the application; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 49, Sonnier et al disclose a system wherein: at least one of the first and second application processors generates a plurality of queries for stored data in response a plurality of requests from at least one user; at least one query is switched to the first source of stored data; at least another query is switched to the second source of stored data; and the output data is provided in response to the queries; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 50, Sonnier et al disclose a system further comprising: at least a third source of stored data; and wherein data stored on the first source of stored data is mirrored in part on the second source of stored data and in part on the third source of stored data; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 51, Sonnier et al disclose a system wherein the load balancer comprises a processor operative to select one of the first and second application processors to

process a user request; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 52, Sonnier et al disclose a system wherein the data stored on at least the first source of stored data comprises first application processor configuration data; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2..

As set forth in claim 53, Sonnier et al disclose a system wherein the first and second source of stored data operatively connect to a hub, the hub operatively connected to the switch; fig. 2, and 19a.

As set forth in claim 54, Sonnier et al disclose a method for providing network processing and stored data access, the method comprising the steps of: (a) load balancing at least first and second user requests between at least first and second application processors, respectively; (b) applying an application in response to each of the first and second requests with the first and second application processors; (c) generating first and second queries for stored data in response to applying the application to the first and second requests, respectively; (d) switching the first and second queries to at least first and second sources of stored data, respectively, the first and second sources comprising mirrored data; and (e) providing first and second output data at substantially a same time in response to the first and second queries, respectively, from the first and second sources, respectively to at least the first application processor; see col. 3, lines 10-16,

col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 55, Sonnier et al disclose a method wherein the (a) comprises routing each of the first and second requests to the one of the first and second application processors with the least load; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 56, Sonnier et al disclose a method further comprising step (f) of storing application processor configuration data on at least one of the first and second sources of stored data see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 57, Sonnier et al disclose a method further comprising step (f) of providing operation signals from each of the first and second sources of stored data to a switch and a hub; fig. 2, 19a.

As set forth in claim 58, Sonnier et al disclose a method further comprising step (f) of mirroring data stored in the first source of stored data in part in the second source of stored data and in part in a third source of stored data; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 59, Sonnier et al disclose a system for providing network processing and stored data access, the system comprising: (a) at least a first application processor applying an application; (b) a switch operatively connected to the first application processor; (c) at least first

and second source of stored data operatively connected to the switch, the first and second source comprising mirrored data; (d) a hub operatively connected to the first and second sources of stored data and the switch; and (e) wherein the first and second source of stored data provide output data at substantially a same time to the first application processor and provide status data to the switch and the hub see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 60, Sonnier et al disclose a system wherein the first application processor generates a plurality of queries for stored data in response a plurality of requests from at least one user; at least one of said plurality of queries is switched tot he first source of stored data; at least another of said plurality of queries is switched to the second source of stored data; and the output data is provided in response to the queries; see col. 3, lines 10-16, col. 4, lines 45-58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 63, Sonnier et al disclose a system wherein the data stored on the first data storage server comprises first application processor configuration data see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 64, Sonnier et al disclose a system further comprising: at least a third source of stored data and wherein data stored on the first source of stored data is mirrored in part on the second source of stored data and in part on the third source of stored data; see col. 3, lines

10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 65, Sonnier et al disclose a method for providing network processing and stored data access, the method comprising the steps of: (a) receiving at least first and second user requests at a first application processor; (b) applying an application in response to each of the first and second requests with the first application processor; (c) generating first and second queries for stored data in response to applying the application to the first and second requests, respectively; (d) switching the first and second queries to at least first and second source of stored data, respectively, the first and second sources comprising mirrored data; (e) providing first and second output data at substantially a same time in response to the first and second queries, respectively, from the first and second sources, respectively, to the first application processors and (f) providing operation signals from each of the first and second sources of stored data to a switch and a hub; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2 and fig. 19a.

As set forth in claim 66, Sonnier et al disclose a method wherein the step (a) comprises routing each of the first and second requests to one of the first and a second application processor with the least load, the first and second application processors applying the application; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 67, Sonnier et al disclose a method further comprising step (g) of storing application processor configuration data on at least one of the first and second sources of stored data; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 68, Sonnier et al disclose a method further comprising step (g) of mirroring data stored in the first source of stored data in part in the second source of stored data and in part on a third source of stored data; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 69, Sonnier et al disclose a system for providing network processing and stored data access, the system comprising: (a) at least a first application processor applying an application; (b) a switch operatively connected to the first application processor; (c) at least first and second sources of stored data operatively connected to the switch, data of the first and second source comprising mirrored application processor configuration data; and (d) wherein the first and second source of stored data provide output data at substantially a same time to the first application processor for the application; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 70, Sonnier et al disclose a system wherein: the application processor generates a plurality of queries for stored data in response a plurality of requests from at least one user; at least one of said plurality of queries is switched to the first source of stored data; at least another of said plurality of queries is switched to the second source of stored data; and the output

data is provided in response to the queries; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 73, Sonnier et al disclose a system wherein the first and second source of stored data operatively connect to a hub, the hub operatively connected to the switch (fig. 2, and 19a).

As set forth in claim 74, Sonnier et al disclose a system further comprising: at least a third source of stored data; and wherein data stored on the first source of stored data is mirrored in part on the second source of stored data and in part on the third source of stored data; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 75, Sonnier et al disclose a method for providing network processing and stored data access, the method comprising the steps of: (a) receiving at least first and second user requests at a first application processor; (b) applying an application in response to each of the first and second requests with the first application processor; (c) generating first and second queries for stored data in response to applying the application the first and second requests, respectively; (d) switching the first and second queries to at least a first and second source of stored data, respectively, the first and second sources comprising mirrored data; (e) providing first and second output data at substantially a same time in response to the first and second queries, respectively, from the first and second sources, respectively to the application processor; and (f) storing application processor configuration data on at least one of the first and second sources of

stored data; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 77, Sonnier et al disclose a method further comprising step (g) of providing operation signals from each of the first and second sources of stored data to a switch and a hub; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

As set forth in claim 78, Sonnier et al disclose a method further comprising step (g) of mirror data stored in the first source of stored data in part in the second source of stored data and in part on a third source of stored data; see col. 3, lines 10-16, col. 4, lines 45- 58, and col. 14, lines 29-36, col. 33, lines 46-col. 34, line 8, col. 6, lines 56-61 and see fig. 2.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnier al (US 5,751,955), as applied to claim 1.

Official notice is taken regarding claims 4-9. Utilizing various application processes, such as a mail application, a news application, a directory application, a content application, a

groupware application, or an Internet protocol (IP) service are old and notorious in the art. One of ordinary skill in the art would have used any one of these applications in the system as taught by Sonnier et al. The rationale is as follows: It would have been desirable to have used an application that is used by multiple people. As any of the previously mentioned applications are utilized by many in the field, it would have obvious to one of ordinary skill in the art to have utilized one of these applications in the system as taught by Sonnier et al, thereby providing an application in the system that is frequently used by end users.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 16 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnier al (US 5,751,955), as applied to claims 1 and 19.

Official notice is taken regarding claims 16 and 28. Having the first and second data storage device comprise network file system servers are old and notrious in the art. One of ordinary skill in the art would have had the storage devices be network file system servers in the system as taught by Sonnier et al. The rationale is as follows: It would have been desirable to have had the storage devices act as a standardized server system in order to retrieve information. It would have been obvious to one of ordinary skill in the art to have had the storage devices be

network file system servers in the system as taught by Sonnier et al, thereby providing standarized means for retrieving the information.

9. Claims 17, 18, 29, 30, 35, 40, 41, 45, 61,62, 71, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnier al (US 5,751,955), as applied to claims 1, 19, 31, 38, 44, 59, 69, in view of Peacock (US 4,914,570).

Sonnier et al do not disclose having a load balancer, although they do disclose having a routing algorithm. Peacock discloses having a load balancer in operation with multiple processors; see col. 12, lines 50-58. It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the system, as taught by Sonnier et al, with load balancer, as taught by Peacock. The rationale is as follows: It would have been desirable to have been able to efficiently process the information. As Peacock teaches the desirability of using a load balancer, one of ordinary skill would have been motivated by Peacock's teaching to have provided a load balancer to the system, as taught by Sonnier et al, thereby having provided efficient means for processing the information, and preventing the breakdown of the system.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Horst (US 5,838,894) discloses logical, fail function, dual central processor units formed from three processor units.

Lu et al (US 5,948,108) disclose a method and system for providing fault tolerant access between clients and a server.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod Kupstas whose telephone number is (703) 305-2655.

The fax phone number for this art unit is (703) 308-6743. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

Tod Kupstas
Feb. 9, 2001

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